

Judge Dismisses \$1 Million Bad Yelp Review Lawsuit Filed by Texas Dog Sitter



Summary: A Texas judge has dismissed a \$1 million lawsuit filed against a couple for posting a bad Yelp review.

After six months of intense legal drama, the dog days between a Texas pet sitter and a Yelp reviewer are coming to an end.

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In October of 2015, Robert and Michelle Duchouquette hired Prestigious Pets of Dallas to watch their dogs and fish while they were away on vacation. When the Plano couple returned, they were unhappy with the pet sitter's service so they wrote a bad review on Yelp. Instead of responding to the review on the page like most businesses, the company escalated and eventually filed a \$1 million lawsuit.

Before filing the lawsuit, the company sent a cease-and-desist notice to the couple asking them to remove their review. When the Duchouquettes didn't comply, the company filed a lawsuit for \$6,700, stating that the couple was in violation of the non-disparagement clause that was a part of the customer agreement.

After the Yelp-related lawsuit went viral for its extremity, the pet sitter refiled their complaint, asking for a whopping \$1 million in damages.

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Attorney Paul Alan Levy took on the case for the couple. He asked that it be dismissed and classified as a Strategic Lawsuit Against Public Participation (SLAPP), a term used to describe lawsuits with the intention to silence defendants' right to free speech.

Consumerist stated that non-disparagement clauses are illegal in California and are being discussed in Congress to possibly outlaw nationwide. "Non-disparagement clauses are questionably legal conditions inserted into contracts and agreements that try to prohibit consumers from freely expressing their opinion on a transaction," Consumerist wrote.

A Texas judge heard both sides of the case in July and made his ruling this week. He dismissed the lawsuit, and according to the Texas anti-SLAPP law, the couple can now recover court costs and attorney fees, Consumerist reported.

"Not only did the company lose business when customers were disgusted over the non-disparagement lawsuit, it now is responsible to pay attorney fees and sanctions," Levy said.

In response to this lawsuit and other similar ones, Yelp has issued a statement to its users that "questionable legal threats" are often empty and/or meritless. The website has also started to flag businesses that they believe are SLAPP-happy.

What do you think of this case? Let us know in the comments below.

Source: Consumerist